

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 67

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD R. HERTZOG, STYLIANOS SIFNIADES
and WILLIAM B. FISHER

Appeal No. 2001-0509
Application 08/601,879

ON BRIEF

MAILED

FEB 15 2001

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before STONER, *Chief Administrative Patent Judge*,
HARKCOM, *Vice Chief Administrative Patent Judge*, and
WILLIAM F. SMITH, *Administrative Patent Judge*.

Per Curiam.

REMAND TO THE EXAMINER

The Office of Patent Legal Administration has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.


If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the board so

that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration.

This application, by virtue of its “special” status, requires *immediate* action by the examiner. *See* MPEP § 708.01(d). The Board of Patent Appeals and Interferences *must* be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

REMANDED


BRUCE H. STONER, JR., Chief
Administrative Patent Judge


GARY V. HARKCOM, Vice Chief
Administrative Patent Judge


WILLIAM F. SMITH
Administrative Patent Judge

- BOARD OF PATENT
-) APPEALS AND
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